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EXAMINER	
LE, MIRANDA	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/762,918	YEUNG ET AL.	
	Examiner	Art Unit	
	Miranda Le	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) *23-28 and 40-45* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22, 29-31, 32-35, 36-39, 46-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/22/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Election was made without traverse of Group I, claims 1-22, 29-31, 32-35, 36-39, 46-49 is acknowledge. Group II, claims 23-28, 40-45, are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 32-39, 46-49 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 32-39 recite "A computer product...", however, the claimed computer products are not limited to embodiments, which include the hardware necessary to enable any underlying functionality to be realized, instead being software per se.

Claims 46-49 recite "A system...", however, the claimed system is not limited to embodiments, which include the hardware necessary to enable any underlying functionality to be realized, instead being software per se.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-22, 29-39, 46-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Flores et al. (US Patent No. 5,734,837).

Flores anticipated independent claims 1, 29, 32, 36, 46 by the following:

As per claim 1, Flores teaches a method for executing a business process, comprising:

obtaining an entity model *(i.e. a business process map, col. 4, lines 10-23)* representative of an entity *(i.e. a primary workflow 11, conditional workflows 13 and 15, a conditional link 17, parallel workflows 19 and 21, serial workflows 23 and 25, col. 4, lines 10-23)* to which a task associated with said business process can be assigned *(col. 3, line 49 to col. 4, line 39);*

obtaining a work model *(i.e. Workflow APIs, col. 5, lines 38-51)* representative of a task to be assigned to said entity *(i.e. Each workflow has a unique name that identifies it in the business process, col. 8, lines 61-62);* and

assigning said task to said entity based on said entity model and said work model to thereby carry out said business process *(i.e. The workflow APIs 63 provide a programming interface to access the services of the workflow server. Workflow enabled applications, STF processors and the application builder are all developed using these APIs. APIs used by a workflow system are as follows: forms and views API, transactions API, definitions API, names and routings API, schedule API, server administration API, and reporter API, col. 5, lines 38-51).*

As per claim 29, Flores teaches a method for optimizing a business process involving a performance of a task said method comprising:

obtaining data associated with performance of said task *(i.e. The workflow APIs 63 provide a programming interface to access the services of the workflow server. Workflow enabled applications, STF processors and the application builder are all developed using these APIs. APIs used by a workflow system are as follows: forms and views API, transactions API, definitions API, names and routings API, schedule API, server administration API, and reporter API, col. 5, lines 38-51);*

comparing said data with data associated with previously created business process *(i.e. The workflow application builder 67, which is the invention described herein, is a Graphical User Interface (GUI) application that allows a business process designer to specify the business process design with its network of workflows. The application builder, in turn, creates or edits the workflow definitions databases that define the business process and that will be used by the workflow server. The workflow application builder also generates forms and views for client workflow enabled applications, col. 6, lines 10-19);* and

automatically determining an optimized business process based at least on said comparing *(i.e. The workflow analyst 69 is a GUI application that allows a business process analyst to specify the map of business processes with its network of workflows. Its output is readable by the application builder which will update the definitions database of the server, col. 6, lines 20-25).*

As per claim 32, Flores teaches a computer product having a set of stored instruction, the execution of which causes a process to be performed, the process comprising providing an entity template representative of an entity to which a task associated with a business process can be assigned *(i.e. The workflow APIs 63 provide a programming interface to access the services of the workflow server. Workflow enabled applications, STF processors and the application builder are all developed using these APIs. APIs used by a workflow system are as follows: forms and views API, transactions API, definitions API, names and routings API, schedule API, server administration API, and reporter API, col. 5, lines 38-51).*

As per claim 36, Flores teaches a computer product having a set of stored instructions, the execution of which causes a process to be performed, said process comprising providing a user interface for allowing a user to create an entity model representative of an entity to which a task associated with a business process can be assigned *(i.e. The workflow APIs 63 provide a programming interface to access the services of the workflow server. Workflow enabled applications, STF processors and the application builder are all developed using these APIs. APIs used by a workflow system are as follows: forms and views API, transactions API, definitions API, names and routings API, schedule API, server administration API, and reporter API, col. 5, lines 38-51).*

As per claim 46, Flores teaches a system for business process automation and optimization, comprising:

a business process creation module *(i.e. a business process map, col. 4, lines 10-23)* for allowing a user to create a business model, said business process model having one or more work steps *(i.e. a primary workflow 11, conditional workflows 13 and 15, a conditional link 17, parallel workflows 19 and 21, serial workflows 23 and 25, col. 4, lines 10-23)*; and

a business process execution and monitoring module configured to assign one or more tasks to one or more entities based on said business process model *(i.e. The workflow APIs 63 provide a programming interface to access the services of the workflow server. Workflow enabled applications, STF processors and the application builder are all developed using these APIs. APIs used by a workflow system are as follows: forms and views API, transactions API, definitions API, names and routings API, schedule API, server administration API, and reporter API, col. 5, lines 38-51).*

As per claim 2, Flores teaches the method of claim 1, wherein said entity is selected from the group consisting of a person, a group of persons, a machine, a device, a software, a company, an association, and a country *(i.e. The workflow APIs 63 provide a programming interface to access the services of the workflow server. Workflow enabled applications, STF processors and the application builder are all developed using these APIs. APIs used by a workflow system are as follows: forms and views API, transactions API, definitions API, names and routings API, schedule API, server administration API, and reporter API, col. 5, lines 38-51).*

As per claim 3, Flores teaches the method of claim 1, wherein said entity model is obtained by selecting an entity template from a plurality of available entity templates, each of said plurality of available entity templates associated with an entity to which a task can be assigned *(i.e. When a workflow is created on a business process map, the user is given an accessible way to enter the workflow attributes, namely, workflow name, customer, performer, conditions of satisfaction, costs and prices (or values), cycle times, application data, its attributes, forms and type of workflow, col. 9, lines 15-20)*

As per claim 4, Flores teaches the method of claim 1, wherein said entity model is obtained by creating said entity model *(i.e. When a workflow is created on a business process map, the user is given an accessible way to enter the workflow attributes, namely, workflow name, customer, performer, conditions of satisfaction, costs and prices (or values), cycle times, application data, its attributes, forms and type of workflow, col. 9, lines 15-20).*

As per claim 5, Flores teaches the method of claim 4, wherein said creating includes generating a record, assigning an entity identification to the record, and inputting an attribute to the record, said attribute representative of a characteristic of said entity *(i.e. When a workflow is created on a business process map, the user is given an accessible way to enter the workflow attributes, namely, workflow name, customer, performer, conditions of satisfaction, costs and prices (or values), cycle times, application data, its attributes, forms and type of workflow, col. 9, lines 15-20).*

As per claim 6, Flores teaches the method of claim 1, wherein said entity model is obtained by retrieving said entity model from a data base *(i.e. In many cases of a business process, a workflow represents a collection of workflows rather than a single workflow. This collection of workflows have the same conditions of satisfaction (and hence can be observed as a single workflow). These workflows are multiple in that they either have multiple performers in the request type case, or multiple customers in the offer type case. These workflows are repeating in that there will be a set of similar workflows managed by the workflow system, col. 9, lines 21-29).*

As per claim 7, Flores teaches the method of claim 1, wherein said work model is obtained by selecting a task template from a plurality of available task templates, each of said plurality of task templates associated with a task that can be assigned to an entity *(i.e. When a workflow is created on a business process map, the user is given an accessible way to enter the workflow attributes, namely, workflow name, customer, performer, conditions of satisfaction, costs and prices (or values), cycle times, application data, its attributes, forms and type of workflow, col. 9, lines 15-20).*

As per claim 8, Flores teaches the method of claim 7, wherein each of the available task templates includes an instruction for performing a task *(i.e. Each workflow can have associated text. Such text could be used, for example, to describe the workflow in narrative form in order to construct the narrative of the process, col. 9, lines 8-10).*

As per claim 9, Flores teaches the method of claim 1, wherein said work model is obtained by creating said work model *(i.e. When a workflow is created on a business process map, the user is given an accessible way to enter the workflow attributes, namely, workflow name, customer, performer, conditions of satisfaction, costs and prices (or values), cycle times, application data, its attributes, forms and type of workflow, col. 9, lines 15-20).*

As per claim 10, Flores teaches the method of claim 9, wherein said creating comprises inputting one or more tasks to be performed by an entity *(i.e. When a workflow is created on a business process map, the user is given an accessible way to enter the workflow attributes, namely, workflow name, customer, performer, conditions of satisfaction, costs and prices (or values), cycle times, application data, its attributes, forms and type of workflow, col. 9, lines 15-20).*

As per claim 11, Flores teaches the method of claim 9, wherein said creating comprises inputting an instruction for performing a task *(i.e. To input all of the workflow attributes, the user selects the workflow, double-clicks it and enters all the information through a standard dialog box, col. 9, lines 34-36).*

As per claim 12, Flores teaches the method of claim 1, wherein said work model is obtained by retrieving said work model from a data base *(i.e. In many cases of a business process, a workflow represents a collection of workflows rather than a single workflow. This collection of workflows have the same conditions of satisfaction (and hence can be observed as a*

single workflow). These workflows are multiple in that they either have multiple performers in the request type case, or multiple customers in the offer type case. These workflows are repeating in that there will be a set of similar workflows managed by the workflow system, col. 9, lines 21-29).

As per claim 13, Flores teaches the method of claim 1, further comprising creating a business process model using said entity model and said work model *(i.e. In many cases of a business process, a workflow represents a collection of workflows rather than a single workflow. This collection of workflows have the same conditions of satisfaction (and hence can be observed as a single workflow). These workflows are multiple in that they either have multiple performers in the request type case, or multiple customers in the offer type case. These workflows are repeating in that there will be a set of similar workflows managed by the workflow system, col. 9, lines 21-29).*

As per claim 14, Flores teaches the method of claim 13, wherein said creating said business process model comprises constructing a flow chart, said flow chart having at least one work step *(i.e. In many cases of a business process, a workflow represents a collection of workflows rather than a single workflow. This collection of workflows have the same conditions of satisfaction (and hence can be observed as a single workflow). These workflows are multiple in that they either have multiple performers in the request type case, or multiple customers in the offer type case. These workflows are repeating in that there will be a set of similar workflows*

managed by the workflow system, col. 9, lines 21-29).

As per claim 15, Flores teaches the method of claim 14, wherein said at least one work step represents said task that is to be assigned to said entity *(i.e. In many cases of a business process, a workflow represents a collection of workflows rather than a single workflow. This collection of workflows have the same conditions of satisfaction (and hence can be observed as a single workflow). These workflows are multiple in that they either have multiple performers in the request type case, or multiple customers in the offer type case. These workflows are repeating in that there will be a set of similar workflows managed by the workflow system, col. 9, lines 21-29).*

As per claim 16, Flores teaches the method of claim 1, wherein said assigning is performed by a software or a human *(i.e. In many cases of a business process, a workflow represents a collection of workflows rather than a single workflow. This collection of workflows have the same conditions of satisfaction (and hence can be observed as a single workflow). These workflows are multiple in that they either have multiple performers in the request type case, or multiple customers in the offer type case. These workflows are repeating in that there will be a set of similar workflows managed by the workflow system, col. 9, lines 21-29).*

As per claim 17, Flores teaches the method of claim 1, further comprising collecting data associated with work performed by said entity *(i.e. In many cases of a business process, a workflow represents a collection of workflows rather than a single workflow. This collection of*

workflows have the same conditions of satisfaction (and hence can be observed as a single workflow). These workflows are multiple in that they either have multiple performers in the request type case, or multiple customers in the offer type case. These workflows are repeating in that there will be a set of similar workflows managed by the workflow system, col. 9, lines 21-29).

As per claim 18, Flores teaches the method of claim 17, further comprising comparing said data with data associated with a previously created business process *(i.e. In many cases of a business process, a workflow represents a collection of workflows rather than a single workflow. This collection of workflows have the same conditions of satisfaction (and hence can be observed as a single workflow). These workflows are multiple in that they either have multiple performers in the request type case, or multiple customers in the offer type case. These workflows are repeating in that there will be a set of similar workflows managed by the workflow system, col. 9, lines 21-29).*

As per claim 19, Flores teaches the method of claim 18, further comprising optimizing said business process based on said comparing *(i.e. The workflow application builder 67, which is the invention described herein, is a Graphical User Interface (GUI) application that allows a business process designer to specify the business process design with its network of workflows. The application builder, in turn, creates or edits the workflow definitions databases that define the business process and that will be used by the workflow server. The workflow application*

builder also generates forms and views for client workflow enabled applications, col. 6, lines 10-19)

As per claim 20, Flores teaches the method of claim 19, further comprising creating a business process model using said entity model and said work model, wherein said creating said business process model comprises constructing a flow chart, said flow chart having a work step, and said optimizing comprising substituting said work step with a previously created work step *(i.e. In many cases of a business process, a workflow represents a collection of workflows rather than a single workflow. This collection of workflows have the same conditions of satisfaction (and hence can be observed as a single workflow). These workflows are multiple in that they either have multiple performers in the request type case, or multiple customers in the offer type case. These workflows are repeating in that there will be a set of similar workflows managed by the workflow system, col. 9, lines 21-29).*

As per claim 21, Flores teaches the method of claim 19, wherein said optimizing comprises substituting said work model with a previously created work model *(i.e. In many cases of a business process, a workflow represents a collection of workflows rather than a single workflow. This collection of workflows have the same conditions of satisfaction (and hence can be observed as a single workflow). These workflows are multiple in that they either have multiple performers in the request type case, or multiple customers in the offer type case. These workflows are repeating in that there will be a set of similar workflows managed by the workflow*

system, col. 9, lines 21-29).

As per claim 22, Flores teaches the method of claim 19, further comprising adopting said optimized business process as a standard *(i.e. In many cases of a business process, a workflow represents a collection of workflows rather than a single workflow. This collection of workflows have the same conditions of satisfaction (and hence can be observed as a single workflow). These workflows are multiple in that they either have multiple performers in the request type case, or multiple customers in the offer type case. These workflows are repeating in that there will be a set of similar workflows managed by the workflow system, col. 9, lines 21-29).*

As per claim 30, Flores teaches the method of claim 29, wherein said data is selected from the group consisting of cost of performing said task, time required to perform said task, and number of persons involved in performing said task *(i.e. When a workflow is created on a business process map, the user is given an accessible way to enter the workflow attributes, namely, workflow name, customer, performer, conditions of satisfaction, costs and prices (or values), cycle times, application data, its attributes, forms and type of workflow, col. 9, lines 15-20).*

As per claim 31, Flores teaches the method of claim 29, wherein said automatically determining is performed using a software or a device *(i.e. When a workflow is created on a business process map, the user is given an accessible way to enter the workflow attributes, namely, workflow name, customer, performer, conditions of satisfaction, costs and prices (or*

values), cycle times, application data, its attributes, forms and type of workflow, col. 9, lines 15-20).

As per claim 33, Flores teaches the computer product of claim 32, wherein said process further comprises providing a work template representative of a task which can be assigned to said entity *(i.e. When a workflow is created on a business process map, the user is given an accessible way to enter the workflow attributes, namely, workflow name, customer, performer, conditions of satisfaction, costs and prices (or values), cycle times, application data, its attributes, forms and type of workflow, col. 9, lines 15-20).*

As per claim 34, Flores teaches the computer product of claim 33, wherein said process further comprises assigning said task to said entity *(i.e. When a workflow is created on a business process map, the user is given an accessible way to enter the workflow attributes, namely, workflow name, customer, performer, conditions of satisfaction, costs and prices (or values), cycle times, application data, its attributes, forms and type of workflow, col. 9, lines 15-20).*

As per claim 35, Flores teaches 35, the computer product of claim 32, wherein said entity is selected from the group consisting of a person, a group of persons, a machine, a device, a software, a company, an association, and a country *(i.e. The workflow APIs 63 provide a programming interface to access the services of the workflow server. Workflow enabled applications, STF processors and the application builder are all developed using these APIs.*

APIs used by a workflow system are as follows: forms and views API, transactions API, definitions API, names and routings API, schedule API, server administration API, and reporter API, col. 5, lines 38-51).

As per claim 37, Flores teaches the computer product of claim 36, wherein said process further comprises providing a user interface for allowing a user to create a work model representative of a task that can be assigned to said entity *(i.e. The workflow APIs 63 provide a programming interface to access the services of the workflow server. Workflow enabled applications, STF processors and the application builder are all developed using these APIs. APIs used by a workflow system are as follows: forms and views API, transactions API, definitions API, names and routings API, schedule API, server administration API, and reporter API, col. 5, lines 38-51).*

As per claim 38, Flores teaches the computer product of claim 37, wherein said process further comprises assigning said task to said entity *(i.e. When a workflow is created on a business process map, the user is given an accessible way to enter the workflow attributes, namely, workflow name, customer, performer, conditions of satisfaction, costs and prices (or values), cycle times, application data, its attributes, forms and type of workflow, col. 9, lines 15-20).*

As per claim 39, Flores teaches the computer product of claim 36, wherein said entity is selected from the group consisting of a person, a group of persons, a machine, a processor, a

software, a company, an association, and a country *(i.e. The workflow APIs 63 provide a programming interface to access the services of the workflow server. Workflow enabled applications, STF processors and the application builder are all developed using these APIs. APIs used by a workflow system are as follows: forms and views API, transactions API, definitions API, names and routings API, schedule API, server administration API, and reporter API, col. 5, lines 38-51).*

As per claim 47, Flores teaches the system of claim 46, further comprising a business process analysis and optimization module for optimizing a business process based on data collected from execution of said one or more tasks *(i.e. The workflow APIs 63 provide a programming interface to access the services of the workflow server. Workflow enabled applications, STF processors and the application builder are all developed using these APIs. APIs used by a workflow system are as follows: forms and views API, transactions API, definitions API, names and routings API, schedule API, server administration API, and reporter API, col. 5, lines 38-51).*

As per claim 48, Flores teaches the system of claim 46, further comprising a business process simulation module for checking said business process model for errors *(i.e. The Consistency Errors dialog box specifies any map rules that have been violated, col. 21, lines 46-52).*

As per claim 49, Flores teaches the system of claim 46, Flores teaches wherein said one or more entities are selected from the group consisting of a person, a group of persons, a machine, a device, a software, a company, an association, and a country *(i.e. The workflow APIs 63 provide a programming interface to access the services of the workflow server. Workflow enabled applications, STF processors and the application builder are all developed using these APIs. APIs used by a workflow system are as follows: forms and views API, transactions API, definitions API, names and routings API, schedule API, server administration API, and reporter API, col. 5, lines 38-51).*

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Miranda Le
September 12, 2007